

THE HONOURABLE SRI JUSTICE V.ESWARAIAH

Date:10-02-2006

WRIT PETITION No.2390 OF 2006

BETWEEN:

Goluguri Chandra Reddy

...Petitioner

And

The District Collector (Panchayats),
East Godavari at Kakinada & another.

...Respondents

ORDER:

The petitioner seeks to issue a writ of mandamus directing the respondents to consider the representations of the petitioner dated 24-1-2006 and 31-1-2006 within a period of one month and

consequently declare that the urgent notice in Roc.No. 3933/2005/A12, dated 27-1-2006 issued by the second respondent as illegal and arbitrary.

Heard the learned counsel appearing for the petitioner as well as the learned Government Pleader for Panchayat Raj and Rural Development.

It is stated that pursuant to the auction notification dated 28-9-2005 for the right of collection of seigniorage fee on sand available in river Godavari reaches in East Godavari District, auction was held on 25-10-2005 and the petitioner became the successful bidder for package No.3, which consists of 4 reaches i.e., Ravulapalem, Ubalanka, Merlapalem and Komarajupalem for a sum of Rs.1,26,27,999/-. In respect of some other reaches i.e., Vemagiri, Gopalapuram, Atreyapuram and Ankampalem, one Mr.Hanmantha Rao and others have participated pursuant to the auction notification dated 13-9-2005. As the said auction was not confirmed in their favour, the respondents decided to re-notify the said reaches and included in the notification dated 28-9-2005. Against the said re-notification, the said persons filed W.P.No.21535 of 2005 and this Court issue interim direction stating that the auction scheduled pursuant to the notification dated 28-9-2005n may go on, but the same shall not be confirmed until further orders.

Pursuant to the interim directions of this Court, petitioner's bid was also not confirmed for a period of 18 days in spite of complying with all formalities. It is stated that the petitioner is not liable to pay the proportionate bid amount for 18 days and therefore, he made representations dated 24-1-2006 and 31-1-2006 for remission of the proportionate amount for 18 days. It is stated that without considering the said representations, the second respondent issued an urgent notice dated 27-1-2006, directing the petitioner to pay the last instalment amount of Rs.47,35,500/- on or before 10-02-2006.

The learned Government Pleader appearing for the respondents submits that in fact, the representations of the petitioner have been

considered and the District Level Committee (Sand Auctions) in its meeting held on 6-2-2006 resolved and accepted the request of the petitioner to reduce the bid amount for 17 days pertaining to the period from 26-10-2005 to 11-11-2005 for which period lease was not confirmed and the petitioner could not do any business.

If that be so, I am of the opinion that no further orders are necessary in this writ petition, except granting certain reasonable time to pay the balance demanded amount after deducting the proportionate amount for a period of 17 days.

It is stated that out of four reaches, the petitioner could not lift the sand from two reaches as they were submerged in water. The learned Government Pleader submits that the respondents have considered the said request and rejected the same. If that be so, it is open for the petitioner to question the said order and take appropriate remedies in accordance with law.

Having regard to the facts and circumstances of the case, the writ petition is disposed of permitting the petitioner to pay the balance amount pursuant to the notice, after deducting the amount proportionately for 17 days, within two weeks from the date of this order. No costs.

V.ESWARAIAH, J

Date: 10-02-2006.

Shr.